



4/25/11

BM
CC
\$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TITLE: PROCESS AND DEVICE FOR MULTI-LEVEL TELEVISION PROGRAM
ABSTRACTION

APPLICATION NO.: 09/724,926

PATENT NO.: 7,080,392

FILED: November 28, 2000

INVENTOR: DAVID MICHAEL GESHWIND

2011 APR 28 PM 4:06

USPTO
DEPT. OF COMMERCE
DIVISION

April 22, 2011

Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria VA, 22313-1450

05/02/2011 DALLEN 00000015 7080392

01 FC:1599
02 FC:1462

2130.00 OP
400.00 OP

**PETITION FOR RECONSIDERATION OF
DENIAL OF PETITION TO ACCEPT
LATE PAYMENT OF MAINTENANCE FEE**

1. Petitioner hereby requests reconsideration of her petition to accept the unintentionally delayed payment of the maintenance fee for the above referenced patent.

2. The petition to accept the unintentionally delayed payment was dismissed due to non-payment of the maintenance fee and surcharge by the Office of Petitions (Exhibit A)

3. When Petitioner originally filed the petition to accept the unintentionally delayed payment on December 21, 2010 (Exhibit B -with credit card form partially redacted) a credit card payment form was attached, however, the credit card number had some transposed numbers and the payment did not go through.

Adjustment date: 06/08/2011 CKHLOK
05/02/2011 DALLEN 00000015 7080392
01 FC:1599 -2130.00 OP

4. On Friday January 7, 2011, Ms. Baylor of the Maintenance Fee Office left a message at Petitioner's office concerning the problem with the credit card information.

06/08/2011 CKHLOK 00000002 7080392

01 FC:1599 7,080,392 - SN:09/724,926 - 04/22/11 490.00 OP
02 FC:1550 1640.00 OP

5. On Monday January 10, 2011 Petitioner faxed a corrected credit card form to Ms. Baylor's attention to a fax number in the maintenance fee department (Exhibit C - with credit card form partially redacted). The last page of Exhibit C is the fax transmission report. (Please note that the number on the fax transmission report is a carrier access number, which is dialed prior to the actual fax number that the fax is being sent to.)

6. Approximately a week after the corrected payment form was sent in, Petitioner contacted the maintenance fee department to confirm that the payment had been received. Petitioner was told that the processing of the petition would take additional time to show up in the records.

7. Petitioner subsequently received the notice dismissing the petition to accept the delayed payment of the maintenance fee (Exhibit A).

8. Petitioner subsequently contacted Ms. Baylor who indicated that the fax number given to Petitioner was not the formal number for maintenance fee payments, but an informal one near her office. She said that unfortunately, that fax machine did not keep a record of the faxes it received and that she did not have a record of receiving the corrected credit card payment form.

9. Petitioner acknowledges that the payment was never processed.

10. Petitioner states that the delay in payment of the maintenance fee was unintentional.

11. Petitioner has annexed hereto a credit card form for the maintenance fee, \$490 surcharge \$1640 and \$400 petition fee totaling \$2530.

12. Petitioner requests that the delayed payment of the maintenance fee be accepted and the patent be reinstated.

13. Petitioner further requests that as Petitioner did send a corrected credit card form to pay the maintenance fee and surcharge to the appropriate department of the Patent Office as directed, that the petition fee provided herewith, be refunded.

Date: April 22, 2011



Anne C. Avellone
Registration No. 43,479
Two Lincoln Square
New York, NY 10023